

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, September 17, 2002  
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Patsy Ellis, Deputy City Clerk; present.

Rev. Rick Cline, Central Church of Christ, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved      The Minutes of the regular meeting of September 11, 2002, were approved 7 to 0.

## AWARDS AND PRESENTATIONS

PROCLAMATIONS      Proclamations previously approved were presented.

YOUTH SERVICE      Wichita's Promise – Youth Community Service Awards were presented.

3CMA AWARDS      3CMA Awards of Excellence were presented to Jessica Johnson and Mike Mayta, City Employees.

KANSAS AFRICAN  
AMERICAN MUSEUM      Mr. Eric Key, Executive Director of the Kansas African American Museum, made a request for land, preferably somewhere near the Museum District and specifically the adjacent property which is known as the Amphitheater site to be the new home for the Museum. In the event that that site is not available, the need to build the Museum will not change and the steering committee will still actively seek support to identify a site to build a museum. Mr. Key said that Mr. Gordon Parks has offered Wichita, and specifically, the Kansas African American Museum, his collection, or a portion of his collection, which would occupy a wing of the new museum. Collection would include photography, painting, manuscripts, awards/trophies and the typewriter he used to write his 1963 autobiographical novel, "The Learning Tree." In order for the Museum to receive this gift, Mr. Parks needs a written commitment that land for the museum has been secured.

Mr. Key stated some of the conditions for receiving a site from the City could be: A four-year time period placed on the donation of the land which gives the Steering Committee a chance to raise the necessary funds to build the museum. Also condition that Museum Steering Committee make periodic progress reports to the council about fund raising efforts. If necessary funding to build Museum does not meet that time frame, the land would resort back to the City.

Mayor Knight      Mayor Knight voiced his support and appointed Carl Brewer and Sharon Fearey to serve on the Kansas African American Museum steering committee to look at the site issue and asked them to make a recommendation to the Council within 30 days.

Council Member Brewer      Council Member Brewer voiced his support for the Kansas African American Museum to obtain a site, preferably on the river corridor, if a location can be found there.

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- Council Member Fearey Council Member Fearey also voiced her support for the Kansas African American Museum. Hopes to work with City Staff and a representative from the County as they are a major funding source for the Museum, representatives from the Museum and Council Member Brewer.
- Mayor Knight Mayor stated he would like City Manager's involvement in project.
- BIG DOG M.C. Mr. Sheldon Coleman, Founder and CEO, Big Dog Motorcycles, presented information on the positive economical growth of Big Dog Motorcycle and thanked the Council for their support.

## UNFINISHED BUSINESS

### POLICE HELICOPTER PURCHASE OF POLICE HELICOPTER.

(Continued from August 20, 2002)

- Mayor Knight Mayor Knight reviewed the Item.

Agenda Report No. 02-1738A

The Police Department has provided helicopter services for the Wichita area since 1970. The Department currently flies a 15-year-old Hughes 300C piston engine helicopter for police missions. The helicopter is nearing the end of its useful life for the rigors of police service; it has become expensive to operate and no longer is a reliable, safe unit for police use. After exhaustive research, the Police Department is prepared to purchase a new single engine helicopter.

This proposed purchase was presented on August 20, 2002, but was deferred until September 17, 2002, to provide information on the procedures used for the purchase of the helicopter unit and a review of the specifications developed by the Police Department.

Over the last 18 months, the Police and Finance Departments have conducted research regarding law enforcement air service within the Wichita community. Alternatives, including privatization and leased aircraft, were extensively examined. A survey was administered seeking input from law enforcement personnel, citizen groups, and peer cities to gauge expectations regarding this type of police service. Research and the subsequent survey concluded that a department-owned and operated unit offered the most cost-effective and efficient model for police air service. A Request for Proposal (RFP) was developed and after careful examination and comparison of various units, it was determined that the MD 500E helicopter provided the best alternative for the mission of the Wichita Police Department.

Review of Process: Because of the questions raised at the August meeting, the City Manager's Office was asked to review the Request for Proposal (RFP) process and to evaluate the helicopter proposals responding to the RFP. To review this process, the City's external auditing firm of Allen, Gibbs & Houlik, L.C. (AGH) conducted an evaluation of the process. Following its evaluation, the auditors concluded "that the City of Wichita Purchasing Department complied with the guidelines as described in the City of Wichita, Kansas Purchasing Policy and Procedures Manual in regard to the issuance of RFP No. - FP200032."

Review of Specifications/Requirements: To complete this review, Staff worked with Kansas State University (Aviation Professor and an experienced airline transport pilot as well as a rotorcraft and instrument helicopter pilot, Kenneth W. Barnard, Ed.D). Following his reviews, Professor Barnard determined "...the Wichita Police Department Air Section did an outstanding job identifying their needs; exploring helicopter options that would meet those needs; and then identifying the costs involved of the various aircraft/equipment options that may meet the requirements.....I concur with the City's selection of the MD500E as the helicopter that best meets the Wichita Police Department Air Section's Needs Assessment and the Request for Proposal (FP20032)."

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Dr. Barnard was also requested to provide information on the need of the Police Department to purchase a "turbine" versus a "piston" helicopter. His response was that "for the tasks provided by the Police department, which I believe are realistic and consistent with other Police departments, the choice is valid for the turbine." Professor Barnard also concluded: "the purchase price favors the MD500E. Direct operating costs that include maintenance and insurance favors the MD 500E."

The two turbine powered aircraft submitting proposals and that met the RFP specifications were the Bell 206 and the MD 500E. These two aircraft both have long histories, dating back to the Vietnam War, of being reliable, functional and safe aircraft, and both are used by the majority of larger urban police departments in the United States. There are several significant differences between the aircraft and the respective RFP responses.

(1) The MD 500E bid (\$830,000) was lower than the Bell submitted bid (\$866,960). In addition, an air conditioner (at an additional cost of \$48,000) would be required to operate the Bell at speeds necessary to perform the Police mission, further increasing the differential in initial outlay costs. Without an air conditioner, the Bell top speed falls below acceptable operating margins during "doors off" flight. Staff flew in both aircraft, and considered the MD to have better visibility while being more maneuverable in flight. Based on data provided by both manufacturers, staff estimated the hourly variable cost of the MD 500E to be approximately \$191 per hour over 10 years, compared to \$246 per hour to operate the Bell 206 (exclusive of fixed costs common to both options, including: pilots, hangar rental, office supplies and insurance). Assuming 1,000 flight hours annually and a 10-year life cycle, the cost differential of a Bell 206 would increase Police Department operating costs by more than \$550,000 over the 10 year period. These cost calculations are based on manufacturers' data.

2). The Bell 206 does provide more endurance (amount of time the aircraft can remain airborne at normal operating speed) with a rating of 4.5 hours versus 2.7 hours for the MD 500E. In addition, the Bell has a larger range than the MD 500E, 395 miles versus 275. Endurance and range differential were not considered significant when comparing operating costs, inasmuch as Police typically fly for intervals of less than 2.5 hours to avoid pilot fatigue. Long-distance transport capability is not a compelling component of the Police use of a helicopter.

Funds for the purchase of the new helicopter were generated via a combination of Local Law Enforcement Block Grant funds, Narcotic Seizure Federal funds, and sale of old equipment. Supplemental funding for police related equipment for the new helicopter has been secured through a Community Oriented Policing Services (COPS) Technology grant. Total cost for the new helicopter is approximately \$830,000.

The City uses the same procurement standards, policies and practices for all procurement activities, irrespective of the funding source. Purchases using Federal grant or seizure funds are subject to annual independent audit by external auditors, including procurement practices, to ensure compliance with internal controls and financial reporting.

The Law Department will review and approve the purchase contract as to form.

If the City Council has concerns about the purchase of the proposed turbine helicopter (versus a piston or a competing unit) and would prefer a more simplified process (lowest cost helicopter unit, versus the best unit for the mission established by the Police); the City Council may:

- (1) Reject all proposals, reduce the mission capabilities and expectations established by the Police Department, and reinstate proposals from all helicopter companies (both piston and turbine); or
- (2) Accept the recommended unit (MD500E), based upon the mission established and the overall operating cost by the Police Department.

Mayor Knight

Mayor verified with Gary Rebenstorf, City Attorney, that the public hearing had already been held. Mayor stated he would accept comments.

Motion --  
-- carried

Knight moved that the mission established by the Police Department be accepted and the purchase of the MD 500E helicopter unit be approved. Motion carried 7 to 0.

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- Mayor Knight Mayor Knight, in response to question about public hearing from the audience, stated that the public hearing had already been held.
- Motion -- Knight moved that the rules be set aside to allow interested citizens to speak before the Council.  
-- carried Motion carried 7 to 0.
- Mayor Knight Mayor Knight advised that unless there was new information that comments be kept brief as the public hearing had already been held.
- Patrick Foley Sales Staff, Bell Helicopter, stated he had read in newspaper this morning that the review board had come across with a \$400,000 cost difference between the Bell Solution and the MD 500E. Mr. Foley requested an audience to review where the cost difference came from and asked that the Item be postponed.
- Mayor Knight Mayor Knight stated that was the figure that was presented to us when we heard it the first time and that an in-depth review had been asked for and received. Mayor Knight stated the Item will not be deferred.
- Emil Schreiber Emil Schreiber, Schreiber-Air Inc., stated he was not prepared last time and is now prepared.
- Mayor Knight Mayor Knight stated that he had had two weeks.
- Emil Schreiber Mr. Schreiber stated he thought the City was supposed to follow up on this.
- Mayor Knight Mayor Knight in responding to information that was being presented by Mr. Schreiber told him that this was not new information.
- Chris Cherches City Manager, in response to question by Mayor asking him if the information had been misrepresented, stated, "The gentlemen standing at the podium represents a piston helicopter that was submitted as part of the entire oratory process. Very early in the stages, the Police Mission, the use intended for the helicopter and based on the research that we did, relative to both issues, the recommendation by our expert and by the police to research this with a considerable number of other police departments, it was considered that the turbine engine powered helicopter would be the preferred choice. Based on that, there were two units considered for the turbine and that was the Bell and the MD. Based on our research and in conferring with the experts in the fields, and based on the initial capital costs, it was the recommendation that the MD be selected."
- Mayor Knight Mayor Knight asked the City Manager if Mr. Schreiber had been given an opportunity for discussion.
- Chris Cherches City Manager stated that he believed Mr. Schreiber had met with our representative on Friday, along with City Staff, and was given an opportunity for discussion at that time.

(Addendum 1A)  
**ADULT SOCCER**

## **ADULT SOCCER FACILITIES.**

Chris Cherches City Manager reviewed the item.

Agenda Report No. 02-1857

The need for finding soccer facilities resulted from the action of the City Council (responding to neighborhood concerns) originated with the removal of soccer play from Shell Park. Because of the adult soccer league schedules and preferences, the existing soccer fields at South Lake Park and the newly constructed eastside fields were rejected. The desire of the Latino Soccer League was to have facilities located within or near the area where most of the players live. As an interim accommodation, the Soccer League was allowed the use of land in the City's Bridgeport Industrial land. Over this time, a conscious effort was made by City Staff to find land with adequate space to accommodate the League's requirements; however, because of a variety of reasons, including adequate acreage, neighborhood opposition, or whatever, this land search was unsuccessful.

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In 2001, the City purchased land (at a cost of \$195,379) in the Bridgeport area to accommodate two soccer fields. To prepare the site, the City expended approximately \$95,000 for drainage work, irrigation system and topsoil. When the site was acquired, the adjacent uses did not exist (i.e. cement plant, materials storage, etc). In June, of this year, a request was received for a permit to utilize this land to crush rock (materials to feed the cement plant). The Planning Commission voted to approve of this use, as did the District Advisory Board. One of the conditions placed on the permit was that the rock crushing operation would be limited to "20-days beginning in the late spring and early summer of 2003, between the hours of 7am. – 5 p.m., Monday – Friday." No operation would be permitted during the weekends or holidays.

Because of the opposition by the Latino Soccer League representatives, no action on this Conditional Use Permit has been taken (scheduled for this agenda). The objections of the League are based on its belief that the proposed conditional uses (cement plant and rock crusher) on the adjacent land may present an undesirable condition and may expose its players to health and safety hazards. However, based on the recommended conditions and the fact that the rock crusher operation will only operate twenty (20) days during the week in 2003, the opposition still exists. In support of its Conditional Use Permit, the applicant (Wittwer Group) is prepared to take steps to reduce the impact of its operation and agree to the conditions recommended by the Planning Staff. (listed in the Agenda Report 02-1757, August 20, 2002).

As a means to address the concerns expressed by the Latino Soccer League representatives, the City offered the opportunity to schedule its games on existing full-equipped City soccer field facilities. This being an unacceptable option, the City, after searching for sites within the designated area requested by the League, purchased a site in the Bridgeport area (Ohio Street). Later, a Conditional Use Permit was applied for by Wittwer Group to operate a rock crusher operation on its property adjacent to the land purchased by the City. Questions were raised in opposition to this use; however, the Planning Commission and the District Advisory Board approved of this Permit/Use. With this action, the Latino Soccer League feels that this site is no longer acceptable.

The City Council has the following options:

- 1) It can deny the request of Witter and complete the development of the soccer fields for the Latino Adult Soccer League play. The arguments for this option are that the City purchased the property specifically for this use, and has already expended \$95,000 for drainage, irrigation systems and topsoil placement to ready the field for sodding and play. An additional \$46,000 remains for the installation of sod for the fields. To abandon this investment in favor of a request for a Conditional Use Permit for temporary usage is an important policy issue.
- 2) It can grant the Permit for the rock crusher and relocate the fields to another site. The arguments for this option will alleviate the concerns with the health and safety issue raised about the current site with its existing operations. Another site would also present an opportunity to provide off street parking. One problem with this option is that relocating to the site currently being used in Bridgeport would require major capital expense estimated to be approximately \$400,000 (\$150,000 for field development; \$70,000 for off street parking; and \$180,000 for restrooms/concession facilities). (It is possible that through the bidding process, this cost could be less). Under this option, the Wittwer Group has offered to lease or purchase the (acquired) City property and contribute improvements to the new site. Reasonable and equitable improvements are subject to negotiations and could, based on some initial discussions, reduce, but not eliminate, some of the other costs associated with providing the type of facilities desired by the Adult Soccer League.
- 3) It can grant the Permit for the rock crusher operation with all conditions and complete the soccer field facilities. If, under this option, the concerns expressed by the Soccer League were validated by actual experience, the City would have the option to move the fields to another location. Since the League plays on weekends and the rock crushing is not in operation, the concerns expressed may not be realized. Further, with the conditions agreed to by Wittwer as part of the Conditional Use Permit conditions (i.e. berming, landscaping, etc.), it is entirely possible that no problems will be experienced.

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During the search for an alternate site, the City worked with the School District to determine if there were other sites under its control that might be utilized. The Riverside School property that is to be abandoned in the future was evaluated. Unfortunately, this site would only accommodate one regulation soccer field with parking. The site, currently in use by the League, is the last remaining industrial site (of any size) that is publicly-owned and available for economic development. It was acquired for industrial-use development and has remaining special assessments on the land for utilities that have been provided. Currently, there are discussions with a prospective developer for this Bridgeport parcel.

To complete the City-acquired site will require a remaining expenditure of \$46,000 (sodding). To relocate to the Bridgeport site will require an expenditure of approximately \$400,000, subject to negotiations with the Wittwer Group and the bids to be received for the work. Should the site be relocated, the City Council will have to adjust the budget and designate the funding to develop the new site.

The City Council has the authority to lease, sell the property or to enter into conditions of each such action.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Fearey moved this item be deferred to October 22, 2002.

Chris Cherches City Manager in responding to a question from the Mayor about October 22, 2002, being a workshop with no scheduled meeting stated that the Item could be taken care of on October 22.

-- carried. Motion carried 7 to 0.

## NEW BUSINESS

### **EMP. RETIREMENT WICHITA EMPLOYEES' RETIREMENT.**

Bob Lancaster Pension Manager reviewed the Item.

Agenda Report No. 02-1821

The Wichita Employees' Retirement System implemented Plan 3, a defined contribution plan January 1, 1994 for all employees hired or rehired on or after that date. Upon reaching seven years of service (vesting) employees become members of Plan 2 unless they elect in writing to remain in Plan 3. A defined contribution plan allows employees to accumulate funds for their retirement. Such an account is easily portable should the employee leave service of the City. The Plan allows vested employees who elect to remain in Plan 3 to select investments from available options based on their anticipated needs. Employee contributions plus City contributions are then invested in these options.

Employees electing to remain in Plan 3 following vesting are responsible for choosing investments from those offered by INTRUST Bank. The current ordinance does not clearly state such responsibility. The proposed ordinance establishes that such an employee shall assume "Self-direction responsibility," defined as "an employee is to determine the asset allocation and specific investments for such employee's Vested account, following an election to continue participation in Plan 3."

INTRUST receives compensation from the Retirement System for providing investment custody services. Such compensation is included in the adopted budget.

The Law Department recommended the proposed revisions to clarify the employees' responsibility in selecting investment options.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

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Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance amending Sections 2.28.020, 2.28.060 and 2.28.090 of the Code of the City of Wichita, Kansas, pertaining to other Plan 3 of the Wichita Employees' Retirement System and repealing the originals of said Sections, introduced and under the rules laid over.

### **POLICE/FIRE RET.      POLICE AND FIRE RETIREMENT.**

Bob Lancaster

Pension Manager reviewed the Item.

Agenda Report No. 02-1822

Pension systems utilize an amortization period to address the funding of any existing unfunded liabilities. K.S.A. 12-5002 established a forty-year declining amortization period beginning in 1978 for Police and Fire Retirement Systems in Kansas not covered by the Kansas Public Employees' Retirement System (KPERs).

The stated funding objective of the Police & Fire Retirement System is "to establish and receive contributions expressed as percents of active member payroll, which will remain approximately level from year to year and will not have to be increased for future generations of citizens in the absence of benefit improvements." As the amortization period shortens (fifteen years remain), liabilities must be paid for in a declining number of years. Unanticipated liabilities could result in an increase of the required contributions of the City of Wichita, thus defeating the stated objective of utilizing a level percent of payroll. The 2001 Actuarial Valuation found that no unfunded liability exists for the Retirement System.

The Police & Fire Retirement Board believes that the implementation of a twenty-year rolling amortization period will be a positive stride towards insuring that the System's funding objectives are met. Within a twenty-year rolling period (unfunded liabilities are always amortized over a twenty-year period) the impact of any unexpected liability is lessened. Examples of such liabilities are a larger number of retirements than anticipated, a larger number of employee deaths, than anticipated, fewer employees leaving City employment, or a reduction in the expected investment rate of return.

The Police & Fire Retirement Board requested modification of existing State Law to allow the utilization of a twenty-year amortization period. A recommended revision was included in the City of Wichita's 2001 Legislative Package. During the 2002 Legislative Session the Kansas Legislature passed H.B. 2622 modifying K.S.A. 12-5002 allowing such an amortization period.

The Wichita Employees' Retirement System currently utilizes a twenty-year rolling amortization period. The recommended action will provide the same amortization method for both Retirement Systems.

A twenty-year rolling amortization period will lessen the impact of unanticipated increases or decreases in unfunded liability and the resulting level of required City contributions to the Retirement System.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance of the City of Wichita, Kansas amending Charter Ordinance No. 193 related to the Police and Fire Retirement System of the City of Wichita, and repealing the originals of said Charter Ordinance, introduced and under the rules laid over.

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HOUSING DEV.

ALLOCATION OF HOUSING DEVELOPMENT LOAN PROGRAM FUNDING. (District VI

Roy Johnson

Housing Services Director reviewed the Item.

Agenda Report No. 02-1823

During the 2002-2003 HUD Consolidated Plan funding process, the City Council approved an allocation of \$200,000 was approved for the Housing Development Loan Program (HDLP), to be funded from the City's annual HOME Investment Partnerships Program (HOME) Allocation.

The HDLP is designed to provide subsidies for infill housing projects and to support the development of real estate that is idle or underutilized, and to provide needed housing for underserved populations. Funding may be provided to non-profit or for-profit organization, with loan structure dependent upon the type of project to be financed.

A Request for Proposals (RFP) was issued by the Housing Services Department for the HDLP to solicit projects to be financed with the approximate \$800,000 available for such activities. A staff committee reviewed 5 proposals received in connection with the RFP. Criteria included scoring for the following items: Overall Development Plan, Qualification of the Respondent, Qualification and Experience of the Development Team, Property Management Experience, Financial Feasibility/Development Time Frame, Financial Condition and the Performance Record of the Respondent, as well as Time Frame for Commencement and Completion of the Project. Bonus points were awarded for such things as Minority Ownership, Staffing, Participation and Subcontracting. Bonus points could also be awarded for mixed-income projects, if the project was perceived as a development catalyst, and if the project could return the City's investment.

A proposal submitted by Inter-Faith Ministries for the acquisition, rehabilitation, and reuse of a temporary housing complex on 917 North Market. The site is currently used for temporary lodging for family of patients receiving medical care in Wichita. The current use will be discontinued and the building will become vacant. The project received favorable recommendation from the staff review committee, based on the above criteria. Support was based on the contribution of revitalization efforts in the immediate area, avoidance of vacancy of the structure, development of permanent housing, and proximity of the project to other services of Inter-Faith. The project will result in the creation of 18 affordable housing units, and 7 market rate units, for a total of 25 housing units.

The Housing Advisory Board approved a recommendation of funding for the project August 20, 2002, based on a staff recommendation. (Staff recommended funding subject to further financial review and contingent upon the HUD Supportive Housing award.

The total project cost is estimated to be \$906,000. Proposed financing sources include funding from the HUD Permanent Supportive Housing program, which is part of the Wichita/Sedgwick County Continuum of Care application, in the amount of \$315,000, permanent/construction financing in the amount of \$193,750, private contributions in the amount of \$100,000, and the HDLP funding in the amount of \$297,250.

HOME funding for the project will be allocated from the 2002-2003 allocation for the Housing Development Loan Program and funding remaining from a 2000-2001 Consolidated Plan funding allocation for NRA Residential Development.

HOME funding must be utilized in accordance with the applicable HOME regulations. A written agreement describing the developer's responsibilities and the City's requirements will be drafted by the Housing Services Department, and will be approved as to form by the Law Department.

The Housing Development Loan Program provides subsidies for infill housing projects, supports development of idle or underutilized real estate, and provides housing for underserved populations.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.



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Motion -- Knight moved that the HOME funding (maximum of \$297,250), subject to further financial review and contingent upon HUD Supportive Housing Award, be approved; and negotiation of funding agreement and necessary signatures be authorized. Motion carried 7 to 0.  
-- carried

## WAIVER

### REQUEST BY SCHOOL DISTRICT FOR WAIVER OF MIDTOWN/DELANO MORATORIUM.

Chris Cherches City Manager reviewed the Item.

The City received a request from the Superintendent of Schools requesting that City Council consider a waiver from its current moratorium, which exists in the Midtown Area. The School District, under their construction program, is remodeling North High School and needs to expand their parking facilities to accommodate that expansion plan. The City Council has before it today a proposed Agreement that would address this.

Council Member Fearey Council Member Fearey stated she has been working on this but that she cannot speak on the Delano moratorium, but felt Council Member Gail might have input.

Council Member Gale Council Member Gale in addressing the City Manager stated it was his understanding that the school district's plans for Franklin and Allison Schools would not be affected by the Delano moratorium, so felt there was no need for a waiver.

Cherches Cherches City Manager stated that this was clarified following the Letter of Request, and it was the determination that it would not be required and that this was after the Agenda had been prepared.

Mayor Knight Mayor Knight inquired if anyone wished to be heard.

Martin Libhardt Martin Libhardt, Chief Operating Officer, School District USD 259, stated he felt the Item had been pretty-well summarized. Mr. Libhardt made a presentation on the North High School Bond Issue Expansion/Property Acquisition project. The eight properties that have been acquired by USD 259 to satisfy the parking requirements include: 1508 Rochester, 1512 Rochester, 1516 Rochester, 1520 Rochester, 441 West Avenue C, 435 West Avenue C, 438 West 14<sup>th</sup> Street, and 434 West 14<sup>th</sup> Street. He asked that the waiver of demolition moratorium be approved, effective November 1, so the Historic Midtown Citizens Association can accomplish the salvage and possible relocation of properties as they desire and as the School District has agreed to.

Kathy Landwehr Kathy Landwehr, Co-President, Historic Midtown Citizens Association, (the 30-year old Neighborhood Association, surrounding North High School). Mrs. Landwehr stated the Association's concern over this issue has not been the specific eight houses that are slated for demolition, but rather the future of the next eight houses just beyond those and the houses beyond those and those continuing into the surrounding neighborhood. She stated that for the past two weeks the Association has worked together with USD 259, school board members and personnel from the Bond Project Manager Firm, Schaefer Johnson Cox Frye & Associates, to craft a mutually agreeable Memorandum of Understanding concerning how to proceed. She stated that the Association is pleased that the school district has agreed to work with the Historic Midtown Neighborhood Plan Steering Committee to develop plans for future land use around the mid-town schools' plans that will be beneficial both to the schools and the neighborhood. Mrs. Landwehr asked that Council approve the Waiver of Demolition Moratorium for the eight houses to be effective November 1, 2002, based on the conditions set forth in the Agreement.

Motion -- Fearey moved that the City Council waive the moratorium regarding residential demolition for the eight houses, and only for those eight houses, located east of North High school along Rochester, 14th Street and Avenue C under the conditions of the memorandum of understanding agreement dated September 16, 2002, between the board of Historic Midtown Citizens Association and USD 259.  
-- carried Motion carried 7 to 0.

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## CITY COUNCIL AGENDA

### **REGISTRATION EXP. APPROVAL OF REGISTRATION EXPENSES FOR CITY COUNCIL TO ATTEND LEAGUE OF KANSAS MUNICIPALITIES MEETING IN WICHITA, OCTOBER 12-15, 2002.**

Motion --carried Knight moved that the registration expenditures be approved. Motion carried 7 to 0.

### **APPOINTMENTS BOARD APPOINTMENTS.**

Motion -- carried Martz moved that Samantha Morgan be appointed to DAB IV. Motion carried 7 to 0.

Motion -- carried Brewer moved that Joan Harting be appointed as an Alternate to DAB I. Motion carried 7 to 0.

## CONSENT AGENDA

Knight moved that the Consent Agenda including Addendum Items 18A, 18B and 29A, except Items 16C and 21, be approved as consensus Items. Motion carried 7 to 0.

### **BOARD OF BIDS REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED SEPTEMBER 16, 2002.**

Bids were opened September 13, 2002, pursuant to advertisements published on:

Southeast Water Transmission Main Phase III - Along K-15 from Kansas Turnpike to Pawnee. (448-89707/633740/751884) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Utility Contractors - \$2,339,603.18

2002 Sanitary Sewer Reconstruction Phase 7 (Various Locations) - south of 13th, west of Hillside. (468-83489/620353/662476) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, III, VI)

Utility Contractors - \$26,029.00

Golden Hills from the south line of Lot 2, Block F, south to the east line of Milstead, on Milstead, from the east line of Lot 24, Block B, east to the east line of Lot 17, Block D, and on Grant from the west line of the plat east to the east line of Milstead, Grant Court from the north line of Grant, north to and including the cul-de-sac, on Grant Court from the south line of Grant, south to and including the cul-de-sac, and on Golden Hills Court from the east line of Golden Hills, east to and including the cul-de-sac. Sidewalk along one side of Golden Hills from the west line of the plat to the west line of Milstead, along one side of Milstead from the east line of Lot 24, Block B to the east line of Lot 17, Block D, and on one side of Golden Hills from the south line of Lot 2, Block F, to the east line of Milstead to serve Flat Creek Addition - north of Pawnee, east of 119th Street West. (472-83384/765743/490854) Does not affect existing traffic. (District V)

Ritchie Paving - \$363,013.45

Water distribution system to serve Mediterranean Plaza Addition - west of Webb, south of 37th Street North. (448-89686/735068/470738) Does not affect existing traffic. (District II)

Mies Construction - \$17,824.00

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Lateral 2, Main 12, Sanitary Sewer #23 to serve Eagles Landing at North Oliver Second Addition - south of 45th Street North, west of Oliver. (468-83285/743940/480628) Does not affect existing traffic and; Lateral 3, Main 12, Sanitary Sewer #23 to serve Eagles Landing at North Oliver Second Addition - south of 45th Street North, west of Oliver. (468-83286/743941 /480629) Does not affect existing traffic. (District I)

Utility Contractors - \$192,845.00 (Total aggregate bid)

31st Street North from Hood to Arkansas to serve Timmermeyer Gardens, E.C. & L.R. Cole's Addition to Carey Park, and Unplatted Tracts - north of 29th Street North, west of Arkansas. (472-83271/765651 /636118/490762/772515) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Kansas Paving Company - \$483,249.20

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

FINANCE DEPARTMENT/DATA CENTER DIVISION: Voice and Data Wiring for Evergreen Branch Library. (792374)

Total Electric - \$6,995.00 (Total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Various Pipe Fittings. (181222)

Wichita Winwater - \$13,046.20 (Group 1/total net bid)  
\$ 2,564.00 (Group 2/total net bid)

PARK DEPARTMENT/PARK MAINTENANCE DIVISION: Chain Link Fence. (785023)

American Fence - \$36,300.00 (Base bid/lump sum)  
\$ 3.00 (Option 1/per foot)  
\$ 8.00 (Option 2/per foot)  
\$ 90.00 (Option 3/per each)  
\$ 280.00 (Option 4/per each)  
\$ 25.00 (Option 5/per each)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## LICENSES

### APPLICATION FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

#### New Escort Service

Tracy Smith	Diamonds Incorporated	1113 ½ East Douglas
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#### Renewal – Adult Entertainment

Norman Massey Jr.	Zigefields	4200 West Kellogg
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Motion --  
-- carried

Knight moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

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## APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2002</u>	<u>(Consumption on Premises)</u>
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Maria E. Maskrid	El Matador Lounge	2033 South Broadway
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<u>(Consumption off Premises)</u>
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Dennis Maloney	Express Petroleum LLC	441 South Greenwich Road
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Motion -- Knight moved that the licenses be approved subject to Staff review and approval. Motion carried  
-- carried 7 to 0.

## **PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.**

There were no Sub-Division Plans and Specifications submitted.

## **PRELIMINARY ESTS. PRELIMINARY ESTIMATES:**

- a) 2002 sanitary sewer rehabilitation, Phase F (various locations) - east of Seneca, south of 13th Street. (468-83481/620351/662474) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, VI) - \$167,000
- b) 2002 sanitary sewer reconstruction, Phase 6 (various locations) - west of Hydraulic, north of Pawnee. (468-83482/620352/662475) Traffic to be maintained during construction using flagpersons and barricades. (District I, III, IV) - \$436,950
- c) Storm Water Sewer 572 to serve Ridgeport Commercial Park and Ridge Port Second Addition - north of 29th Street North, west of Ridge. (468-83465/751317/485208) Does not affect existing traffic. (District V) - \$307,000
- d) Water distribution system to serve Northeast Middle School Addition - south of 45th Street North, west of Oliver. (448-89703/735072/470742) Does not affect existing traffic. (District I) - \$87,000
- e) Drive and parking lot Improvements for Southlakes Park - east of Meridian, south of 47th Street South. (472-83603/785028/392160) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$446,136
- f) 2002 sanitary sewer reconstruction Phase 5 - east of West Street, north of Maple - 468-83476/620349/662472. Traffic to be maintained during construction using flagpersons and barricades (District III, IV & VI) - \$171,000
- g) Lateral 329, Four Mile Creek Sewer to serve Samra Second Addition - north of Central, west of Greenwich. (468-83395/743911/480599) Does not affect existing traffic. (District II) - \$77,000
- h) Lateral 485, Southwest Interceptor Sewer to serve Fossil Rim Estates Addition/Unplatted Tract A - south of 29th Street North, east of Tyler. (468-83448/743937/480625) Does not affect existing traffic. (District V) - \$409,000
- i) Maize Court and construct sidewalk in Chadworth Plaza - north of 21st Street North, east of Maize. (472-83538/765748/490859) Does not affect existing traffic. (District V) - \$193,200
- j) Boston Park Tennis Court Reconstruction 2002 Park CIP - east of Woodlawn, north of Boston. (472-83544/785030/393162) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$90,000

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k) College Hill Park Tennis Court Reconstruction 2003 Park CIP to serve College Hill Park - east of Roosevelt, south of Bluff. (472-83619/785030/393162) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$55,000

Motion -- carried Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

## **SANITARY SEWER PETITIONS FOR SANITARY SEWER LATERALS TO SERVE TWO UNPLATTED TRACTS – EAST OF HILLSIDE, SOUTH OF 53RD STREET NORTH.** (District I)

Agenda Report No. 02-1824

The Petitions have been signed by three owners representing 100% of the improvement districts.

The projects will serve unplatted tracts located on the east side of Hillside, south of 53rd Street North.

The Petitions total \$70,030. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

### **RESOLUTION NO. 02-411**

Resolution of findings of advisability and Resolution authorizing construction of Main 13, Part G, Sanitary Sewer #23 (east of Hydraulic, north of 37<sup>th</sup> Street North) 468-83461, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

### **RESOLUTION NO. 02-412**

Resolution of findings of advisability and Resolution authorizing construction of Main 13, Part H, Sanitary Sewer #23 (east of Hydraulic, north of 37<sup>th</sup> Street North) 468-83462, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## **PAVE 127<sup>TH</sup> ST. EAST PETITION TO PAVE 127TH STREET EAST, NORTH OF 21ST.** (District II)

Agenda Report No. 02-1825

The Petition has been signed by two owners, representing 100% of the improvement district.

The project will improve access to new residential developments along 127th Street East, north of 21st.

The Petition totals \$70,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

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Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 02-413

Resolution of findings of advisability and Resolution authorizing improving 127<sup>th</sup> Street East, from the north line of Boxthorn to the north line of the Fairmont, 127<sup>th</sup> Street East, north of 21<sup>st</sup> Street) 472-83614, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SANITARY SEWER

## PETITIONS FOR SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE GRAY'S FIFTH ADDITION – NORTH OF 47TH STREET SOUTH, EAST OF HOOVER. (District V)

Agenda Report No. 02-1826

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide sanitary sewer, and water service to a new residential development located north of 47th Street South, east of Hoover.

The Petitions total \$935,000. The funding source is special assessments except for \$361,000 paid by the Sewer Utility for oversizing a lift station to serve future development outside the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 02-414

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89681 (north of 47<sup>th</sup> Street South, east of Hoover), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-415

Resolution of findings of advisability and Resolution authorizing improving of lift station and force main for Main 21, Southwest Interceptor Sewer, (north of 47<sup>th</sup> Street South, east of Hoover) 468-83428, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-416

Resolution of findings of advisability and Resolution authorizing Lateral 2, Main 21, Southwest Interceptor Sewer, (north of 47<sup>th</sup> Street South, east of Hoover) 468-83431, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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## IMPROVEMENTS

### **PETITIONS FOR STREET PAVING AND WATER DISTRIBUTION SYSTEM TO SERVE PART OF ROCKY CREEK AND ROCKY CREEK SECOND ADDITIONS – NORTH OF 13TH, EAST OF 127TH STREET EAST.** (District II)

Agenda Report No. 02-1827

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving and water service to a new residential development located north of 13th, east of 127th Street East.

The Petitions total \$29,300. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

#### RESOLUTION NO. 02-417

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89711, (north of 13<sup>th</sup> Street, east of 127<sup>th</sup> Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

#### RESOLUTION NO. 02-418

Resolution of findings of advisability and Resolution authorizing improving Tallowood from the east line of Lot 55, Block 6, Rocky Creek Addition, (north of 13<sup>th</sup> Street, east of 127<sup>th</sup> Street East) 472-83623, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## BOARDS MINUTES

### **MINUTES OF ADVISORY BOARDS/COMMISSIONS:**

Wichita Employees' Retirement System Regular Board Meeting Minutes July 17, 2002

Police and Fire Retirement System Regular Board Meeting Minutes July 24, 2002

Board of Code Standards and Appeals Minutes August 5, 2002

Minutes of Meeting of Board of Electrical Appeals August 13, 2002

Minutes of Meeting of Board of Electrical Appeals August 27, 2002

Motion --carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

## STREET CLOSURES

### **CONSIDERATION OF STREET CLOSURES/USES SPECIAL EVENTS.**

Agenda Report No. 02-1853

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

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The following street closure requests have been submitted:

- 1) Autumn In the Air / Friday & Saturday, September 27-28, 2002  
Street Closures: Friday – 5:30 pm to midnight (Friday)  
>English closed at Main to Market  
  
Friday – 4:00 pm Friday to midnight Saturday  
>Lewis from McLean to Water  
>Wichita from Waterman to Dewey
- 2) Memory Walk 2002/ Saturday, September 28  
Street Closures: 9:00 am to 12:00 noon  
>Wichita from Waterman to Dewey  
>Lewis from Wichita to McLean  
>McLean from Maple to Douglas  
>Completion of the route will use Douglas Bridge sidewalk & walking path along the river from Douglas to the Water Wall
- 3) Race for the Cure/Saturday, September 28, 2002  
Street Closures: 7:00 am to 10:30 am  
>Route follows Douglas to Stratford to Willowbrook to Peachtree to Hampton to St. James to Norfolk to Stratford to High Drive to Hampton to Douglas (streets re-opened once participants pass)

Police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the street closure requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

-- carried

## CLAIMS ALLOWED

### REPORT ON CLAIMS ALLOWED AUGUST, 2002:

<u>Name of Claimant</u>	<u>Amount</u>
Aquila, Inc. (fka Peoples Natural Gas)	\$ 408.21
Aquila, Inc. (fka Peoples Natural Gas)	\$ 610.35
Leonard Schreiber	\$ 295.00
Virginia C. Charles	\$ 922.87
Kansas Dept. of Transportation	\$1,275.24
Constance A. Phillips	\$ 71.81**
SW Bell	\$ 608.17
SW Bell	\$ 499.51**
Deann Wiggers	<u>\$ 503.03</u>
	\$5,194.19

\*\* Settled for lesser amount than claimed.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0.



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## VENDOR

### PSYCHOLOGICAL SERVICES – POLICE DEPARTMENT.

Agenda Report No. 02-1828

The Wichita Police Department has a continuing need to provide psychological services for its employees. The City of Wichita has contracted for psychological services for the Police Department in the past. Kansas State Statute 74-5605 requires a psychological test prior to a law enforcement applicant beginning training. In addition, there is a need to provide pre-employment testing and assessment information to facilitate the best-informed decisions on hiring of employees. Finally, there is a need for ongoing services in the area of counseling and training.

A Request for Proposal (FP200048) was issued in an effort to obtain a qualified vendor. Six vendors responded and submitted bid proposals. A selection committee of City staff and Wichita State University Psychology Department personnel evaluated the bid proposals. Based on experience, qualifications, proposal specifications, and level of service, the selection committee recommends River Park Psychology Consultants.

Funding for psychological services is included in the Police Department's budget.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## WATER SALES TAX

### LEGAL SERVICES SUPPLEMENTAL – WATER SALES TAX.

Agenda Report No. 02-1829

In 1994, the Kansas Department of Revenue audited sales and compensating use tax payments by the City's water utility. The City retained the Morris Laing law firm which is experienced in sales tax matters. The Department of Revenue subsequently made assessments against the City and in March of 1996, the City Council approved a supplemental agreement for additional legal services in connection with appeal of the assessments. The City's administrative appeal to the Director of Revenue's Designee necessitated additional legal services, and on July 15, 1997, the Council approved a supplemental agreement for additional services. In December of 1997, June 2001 and December 2001, the Council approved supplemental funding, which has brought the largest issues in the case to a point where they are pending argument before the Kansas Supreme Court, and a series of smaller issues through a hearing and rehearing before the Board of Tax Appeals ("BOTA").

By the Supplemental Agreement, the City of Wichita will continue to use the services of the Morris Laing law firm to provide legal advice and representation in the pending tax appeal.

The Supplemental Agreement is for a not-to-exceed sum of \$25,000. These services will be paid out of the Water Administration operating funds.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## (Agenda Item #16C) DEFENSE CENTER

### HOMELAND DEFENSE READINESS CENTER. (District I)

Agenda Report No. 02-1830

The Kansas National guard is proposing to build a new Homeland Defense Readiness Center (formerly referred to as an Armory) in Wichita. The City and Sedgwick County are being requested to share in the cost of this facility with the ability to jointly use a portion of the building.

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On June 18, 2002, the City Council approved the project, adopted the Resolution, and authorized Staff to select a design consultant.

Request for Proposals (RFP) were mailed to design firms on June 7, 2002. Seven firms responded as follows: Gossen Livingston Associates, Inc., Howard & Helmer, Law/Kingdon, Inc., McCluggage Van Sickle & Perry Corp., PBA Architects, Schaefer Johnson Cox Frey & Associates, and Wilson Darnell Mann. The Staff Screening and Selection Committee interviewed the firms of Gossen Livingston Associates, Inc., Howard & Helmer, McCluggage Van Sickle & Perry Corp., and PBA Architects. The committee selected the firm of Gossen Livingston Associates, Inc. for the project based on their qualifications and previous experience on Army Reserve projects. Design services through 35% Design Development will be provided for a single stipulated lump sum fee (including reimbursable expenses) of three hundred fifty nine thousand seven hundred fifty dollars (\$359,750.00).

The project is authorized in the 2002-2011 Capital Improvement Program (CIP). The funding source is General Obligation Bonds. (Project No. 435349, OCA No. 792379). Sedgwick County is contributing 50% of the design costs, \$250,000 this year with a commitment of \$1.45 million next year to be paid over a designated time. The City and County's financial (combined) commitment is not to pay more than \$3.4 million. The Department of Defense Budget will provide the balance of the project cost.

Motion --  
-- carried

Brewer moved that the Agreement/Contract be approved; and the necessary signatures be authorized.  
Motion carried 7 to 0.

## **GRAPHICS/SIGNAGE CITY HALL GRAPHICS/WAYFINDING.** (District VI)

Agenda Report No. 02-1831

On August 1, 2000, the City Council approved a Contract Amendment with Schaefer Johnson Cox Frey & Associates (SJCF) to provide conceptual design ideas to refresh the City Hall campus. SJCF was to provide conceptual design ideas to refresh the City Hall lobby and the exterior plaza around the perimeter of the building and reconfigure the Council office suite to enlarge the offices and the Board Room. Their design was to include but not be limited to parking patterns and assignment, pavement textures, landscaping, sculptures, lighting schemes, wall finishes, graphic systems, furnishings, planters, art exhibits, and security.

The Contract Amendment with SJCF will provide for specifications for the acquisition and installation of graphics (signage/way finding) for City Hall in the entrance atrium, first floor and floors two through thirteen. Graphics to be included is as follows:

### Entrance Atrium

- Ø Express elevator identity
- Ø Directional graphics on the stair to identify the tenants of Second and Third Floor
- Ø Lettering on the stair landings to identify the tenants at Second and Third floors
- Second Floor
- Ø Directional signs in the elevator lobby and in the Customer Service lobby
- Ø Departmental identification signs at the entrance to each department
- Ø Restroom identification
- Ø Express elevator and stair identification within the Customer Service lobby
- Ø Departmental identification signs at the entrance to each department
- Ø Additional directional signs within the public corridors as necessary on Second Floor
- Third Floor
- Ø Court Room identification
- Ø Directional signs at the elevator lobby
- Ø Directional signs at the Municipal Court lobby
- Ø Departmental identification signs
- Ø Rest room signs
- Ø Supplemental instructional data at the security station at the entry to the Municipal Courts lobby

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- Ø Additional directional signs within the public corridors on Third Floor Floors Four through Thirteen
- Ø Directional signs in the elevator lobby
- Ø Departmental identification signs
- Ø Restroom identification
- Ø Additional directional signs within the public corridors as necessary

All signs and color schemes will be consistent with the concepts previously presented to and approved by the City Design Council.

The Contract Amendment for \$22,500.00 would be funded from the Capital Improvement Project budget. (Project #435185, OCA #791566) The available balance is \$1,429,640.05.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.  
Motion carried 7 to 0.

**GILBERT/MOSLEY**

## **LEGAL SERVICES SUPPLEMENTAL – GILBERT AND MOSLEY PROJECT.**

Agenda Report No. 02-1832

The City entered into a professional services agreement and subsequent supplemental agreements with Stinson Morrison Hecker LLP (formerly Stinson, Mag & Fizzell) to provide legal advice on environmental matters relating to the investigation and clean-up of groundwater contamination in the Gilbert & Mosley Site. That firm, including David Tripp, assisted staff and Council on a number of elements on the project and continues to provide advice and legal representation as needed as the project is being implemented. Extensive effort has also been placed in the identification of responsible parties for cost recovery purposes. Litigation against a number of responsible parties has resulted in significant legal services for depositions, document production, motions, settlements, trial preparation, and other litigation services.

This supplemental agreement provides additional authority to continue to use the services of Stinson Morrison Hecker LLP on an as-needed basis for particular legal and environmental issues. This agreement also continues to provide for the litigation team headed by Robert L. Driscoll, which is handling the litigation to recover costs from responsible parties. This agreement also provides for payment of most of the City's expert witnesses in the litigation, which are retained by the law firm, and for the costs related to litigation.

This supplemental agreement provides authority for an additional \$750,000 in legal services and related expenses. These services will be paid out of the Gilbert & Mosley TIF.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.  
Motion carried 7 to 0.

**EVERGREEN**

## **CHANGE ORDER – EVERGREEN LIBRARY/HEAD START.** (District VI)

Agenda Report No. 02-1833

On March 27, 2001, the City Council approved the Evergreen Branch Library/Head Start project for the old Arts and Crafts Center located at 2601 N. Arkansas. The Evergreen Library will use two-thirds of the facility for a new North Branch Library, which will replace the Minisa and Marina Lakes Branch Libraries. Head Start classrooms and programs will occupy the remaining one-third of the facility.

Since this project is in the area of the Evergreen Neighborhood City Hall, the CDBG project to construct a meandering sidewalk with light fixtures through the park is being added to the project by change order. The CDBG project is budgeted at \$23,000. The cost to construct the sidewalk and light fixtures is \$21,720.

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The balance of the Change Order request at \$40,612 is for modifications to the scope of work as recommended by the Owner, Architect, or Contractor as follows:

1. Plumbing modifications as required by Building Code and miscellaneous upgrades.
2. Additional foundation footage requirements at entryway.
3. Addition of bicycle rack per Planning Department requirement.
4. Addition of sound batt insulation.
5. Additional electrical, phone, and data requirements.
6. Bus stop walks and crosswalk striping per Planning Department requirements.
7. Kingsley through wall book drop and cart.
8. East elevation canopy/façade extension per Design Council requirements.
9. Additional steel angle supports for HVAC roof top units.
10. Modification to library entrance for walk-thru material security system.
11. Interior wall modification to enclose the surface mounted electrical equipment.
12. Exterior signage modifications above the construction allowance.
13. Modifications to circulation desk for Owner furnished equipment.
14. Deletion of surface applied thin bricks at three sides of the entryway.
15. Upgrade of exterior surface finish to cover the precast concrete imperfections that were uncovered after the building was sand blasted to remove the existing paint.

The Evergreen Library is funded from Community Development Block Grant monies at \$800,000 and General Obligation monies at \$600,000. The Child Care Association of Wichita/Sedgwick County is providing funding in the amount of \$240,000 to pay for the full renovation cost of their portion of the facility. The Change Order for \$62,332.00 will be funded as follows:

Community Development Block Grant Funds (CDBG) – OCA #602447 at \$21,720.00.  
General Obligation (GO) – OCA #792375 at \$40,612.00. The unencumbered balance is \$287,333.23.

The Change Order amount is within 25% of the construction Contract cost limit set by City Council policy. Change Orders over \$10,000 require City Council approval.

Motion --  
-- carried

Knight moved that the Change Order be approved; and the necessary signatures be authorized.  
Motion carried 7 to 0.

## SIGN SYSTEM

### CHANGE ORDER AND AMENDING RESOLUTION – WAYFINDING SIGN SYSTEM.

Agenda Report No. 02-1834

On May 20, 1997, the City Council approved a contract to install Wayfinding signs for major attractions and facilities within the community. Sedgwick County government asked that the scope of the work be expanded to include their facilities. In addition, additional signs are needed to serve the new Neighborhood City Halls.

A Change Order has been prepared that authorizes the additional work.

The total cost of the additional signs for the Neighborhood City Halls is \$40,359. Funding for the City's signs is available within the existing budget. The funding source is General Obligation Bonds. Sedgwick County will reimburse the City for the County's signs. The cost of the County's signs is \$59,480.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --  
-- carried

Knight moved that the Change Order be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

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## RESOLUTION NO. 02-419

A Resolution amending Resolution No. 97-137 authorizing the issuance of Bonds by the City of Wichita at-large for the design and installation of wayfinding signs to serve the Museum District located between the Arkansas River and Little Arkansas River, north of McLean Boulevard and Government Administration Buildings, The Century II Convention Center, tourism attractions in the Central Business District, and Neighborhood City Halls (472-82827), presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

(Addendum 18A)

### **PAYMENT**

#### **PAYMENT OF CONDEMNATION AWARD – SEALPAK.**

Agenda Report No. 02-1854

The City has identified the need to acquire approximately the property at 2614 South. Hoover Road in connection with planned improvements to Hoover Road and in connection with the City's obligations to maintain drainage and the Wichita-Valley Center Flood Control Project. Earlier this year the City initiated eminent domain proceedings to acquire this property. On August 26, 2002, the court appointed appraisers filed their award. They determined the compensation to be paid for the acquisition to be \$450,000. The court awarded the three appraisers fees in the amount of \$3,500 each. Court costs are \$110.

In order for the City to acquire this right-of-way, it must pay the award, together with fees and costs, to the Clerk of the District Court on or before September 25, 2002.

The cost of this acquisition will be paid from the Hoover Road Drainage project.

The City has until September 25, 2002, to decide whether or not to acquire the property. If payment is not made to the Clerk by that date, the eminent domain is deemed abandoned.

Motion --  
-- carried

Knight moved that payment to the Clerk of the District Court in the amount of \$460,610 be authorized. Motion carried 7 to 0.

(Addendum 18B)

### **FAMILY MORTGAGE LETTER OF AGREEMENT – FAMILY MORTGAGE REVENUE BONDS.**

Agenda Report No.02-1855

In 1979, the City of Wichita issued single-family mortgage revenue bonds to provide low interest mortgage funds for low and moderate-income homebuyers. In 1993, low interest rates allowed George K. Baum & Company to issue the 1993 Series A Bonds to refund the 1979 Bonds and release excess cash to the City.

Currently, George K. Baum presented a proposal to the City of Wichita based on the low interest rates to liquidate the remaining mortgage pool, defease the outstanding bonds and releases any excess funds to the City of Wichita.

As of September 2002, there are approximately \$1,300,000 mortgage loans from the program outstanding. George K. Baum & Company will complete an analysis of the mortgage pool, prepare a mortgage portfolio summary, solicit, receive and analyze bids for the purchase of the mortgages and create an escrow account to retire the outstanding bonds on March 1, 2003.

A preliminary estimate of the funds available to the City of Wichita totals \$492,000.

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The City's Bond Counsel has reviewed the preliminary proposal and would approve all final documents. Ordinances authorizing the mortgage sale with actual dollar amounts will be presented for City Council approval on October 1.

Motion -- Knight moved that the Letter of Agreement be approved; and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

## DEFERRAL LIEN

### RELEASE OF HARDSHIP DEFERRAL LIEN.

Agenda Report No.02-1385

During the past year, the property owner of 302 N. Young, applied for Special Assessment Hardship Deferral to defer payments of special assessment on paving project No. 472-82472. The property owner signed a Lien Agreement with the City of Wichita that was filed with Sedgwick County Register of Deeds.

One property owner is in the process of splitting his parcel, and has requested that the hardship deferral be released and put back on the tax roll for the 15 years period, beginning 2002-2016.

There is no cost to the City of Wichita.

Motion -- Knight moved that Release of the Hardship Deferral Lien Agreement be approved and the necessary  
-- carried signatures be authorized. Motion carried 7 to 0.

## VENDOR

### TITLE INSURANCE, ABSTRACT, AND OTHER RELATED SERVICES – SELECTION OF VENDOR.

Agenda Report No. 02-1836

City departments require various types of title, abstract and closing services. To obtain the most qualified title company to provide this service at a cost that would be beneficial to the City, a Request for Proposal was sent to sixteen vendors and five responded.

A selection committee made up of representatives from Housing, Legal, Central Inspection, and Property Management reviewed the proposals. Each proposal was evaluated on the basis of qualifications, reference, experience, price, time to perform assignments. Based on these criteria, Security Title was recommended to provide title services.

The contract will not obligate the City to any specific purchases or volume of purchases on title services but provides the City the ability to obtain title and closing services from a qualified, cost-effective vendor. The contract provides for various types of title, abstract, and closing services to be provided on a fixed cost per item.

The Law Department will review and approve the contract as to form. The contract will be for one year with annual renewal options for an additional two years.

Motion -- Knight moved that selection of Security Title to provide title insurance, abstracts and other related  
-- carried services and the contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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(Agenda Item #21)  
**KELLOGG IMP.**

## **KELLOGG/WOODLAWN INTERCHANGE.** (District II)

Steve Lackey

Public Works Director reviewed the Item.

Agenda Report No 02-1837

On June 11, 1985, Wichita voters approved a referendum establishing a one percent Sales Tax, the first such levy ever adopted by voters in this community. The revenues generated by this tax were dedicated to two very prominent concerns to the citizens of Wichita – a reduction in property taxes, and improvements to the community's transportation network...most specifically Kellogg Avenue.

On June 10, 1997, the City entered into an agreement with Cook, Flatt & Strobel to begin preliminary design on East Kellogg, from Edgemoor to 127th Street East. On January 11, 2000, the City Council entered into an agreement with Cook, Flatt & Strobel to prepare final construction plans for the Kellogg/Woodlawn Interchange and adopted Ordinance 44-481 which authorizes construction and provides funding for the project.

The project design is nearing completion, and necessary right-of-way has been acquired, although there is still one tract remaining to acquire. The project will be sequenced to allow construction to proceed while this tract is acquired. This project will provide a one-mile segment of six-lane freeway section from Edgemoor Street to Gouverneur Road.

The Agreement, dated June 10, 1997, with Cook, Flatt & Strobel provides that Cook, Flatt & Strobel, when authorized by Supplemental Agreement, will perform construction inspection and administration services.

Traffic will be carried through construction. Some temporary roadway construction will be required.

It is expected the project will be let in October 2002, with construction beginning shortly thereafter. Construction activities that affect traffic will not be allowed until January 2, 2003.

Payment to Cook, Flatt & Strobel will be on a cost plus a fixed fee in an amount not to exceed \$3,236,954.80. The total project cost is estimated at \$70.5 million. The State of Kansas will contribute \$35,690,000 to assist with project construction. The balance of funding will be provided by the City through the issuance of General Obligation Sales Tax Bonds with debt service payable from the annual proceeds of the Local Sales Tax.

This is Capital Improvement Project F-31 and is authorized by Ordinance 44-481.

Motion --  
-- carried

Pisciotte moved that the project bidding be authorized; the supplemental Agreement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## **TOURISM**

## **KANSAS TOURISM ATTRACTION GRANT – WICHITA AVIATION FESTIVAL**

Agenda Report No. 02-1838

In response to the Strategic Tourism Plan developed by consultant Alf Nucifora, the City of Wichita is developing a broad-scale, annual aviation festival. According to the study, flight festivals and aviation celebrations create revenue-generating opportunities to communities that host them. The City is planning an aviation festival designed to attract up to 16,000 visitors to Wichita and the surrounding area, encouraging tourism and economic development.

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The 2003 annual festival will bring the local aviation industry, arts community, flight enthusiasts and business leaders together to create an event for citizens and visitors of all ages and levels of aviation interest. The Wichita Aviation Festival will be an event that will premier in the fall of 2003 in conjunction with the one-hundredth anniversary of powered flight. The Aviation Festival is tentatively scheduled to take place Friday, September 12, 2003 through Sunday, September 21, 2003. Anticipated events include: Aviation Gala fundraising banquet and ball; Wright Brothers Vintage Dance; a series of air shows and aircraft displays; Fly Market; flight film festival; activities for children; aviation career day and aviation employee appreciation day; fly-in and a Boutique Market. The Kansas Department of Commerce and Housing offers a competitive annual Tourism Attraction Development Grant to assist communities in improving their tourism and attraction capabilities. The City has prepared a grant application for these funds for submission to the Kansas Department of Commerce and Housing.

The grant application requests \$120,000 in Kansas Department of Commerce and Housing tourism funds and requires a sixty (60) percent local match. The local matching funds will come from private contributions from: Boeing, Bombardier, Cessna and Raytheon, which are to commit \$25,000 per annum for five years; Greater Wichita Convention and Visitors Bureau will provide financial and in-kind resource amounting to \$250,000 over a five-year period; and, Sedgwick County has made a commitment for \$25,000. The City of Wichita will commit \$50,000 from existing local tax funds budgeted for 2003. The Tourism Attraction grant will be used for marketing expenses along with funds to be raised by the private sector for the "Welcome Home" 2003 Wichita Aviation Festival.

Motion --  
-- carried

Knight moved that the Grant Application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## **METRO BLDG.**

### **METRO COMMUNITY CAPACITY BUILDING GRANT PROGRAM.**

Agenda Report No. 02-1839

In late July of this year, the Kansas Department of Commerce and Housing released the guidelines for the department's FY 2003 Community Capacity Building Grant program. This is the same program through which the City of Wichita was awarded a grant two years ago for both neighborhood plan preparation (Delano, South Wichita-Haysville) and plan implementation (Center City) purposes. The grant funds are meant to encourage collaborative community planning and implementation efforts within the metropolitan areas of Kansas (Douglas, Johnson, Leavenworth, Sedgwick, Shawnee and Wyandotte Counties). Eligible uses of funds include neighborhood organizational development and more detailed neighborhood design planning and implementation efforts.

There are several categories for project funding. The categories are:

1. Neighborhood revitalization and plan implementation in blighted neighborhoods or neighborhood conservation planning and implementation
2. Growth management for 2nd and 3rd class cities
2. Inter-jurisdictional planning and implementation affecting more than one political jurisdiction
4. Downtown revitalization planning
5. Countywide hazard mitigation planning

The City adopted a Neighborhood Revitalization Plan in April of 1998. This plan meets the State of Kansas minimum requirements for a neighborhood revitalization or a conservation plan. Such a plan is a requirement for submission of a grant application under the KDCH program. Furthermore, a private organization or private/public partnership organization must participate. The City's partnerships with the area neighborhood associations have met this requirement.



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CenterCity Organized Revitalization Effort (C.O.R.E.) has prepared an application for grant under the FY 2003 program. The request is for an implementation grant to assist with the C.O.R.E. revitalization plan that is an element of the Center City Neighborhood Plan (adopted by the City Council on February 9, 2000). This implementation grant would be used to develop site plans, units costs and a total project pro forma to be used to garner support and development commitments for the Center City revitalization project.

This grant application supports the Neighborhood Revitalization Plan and the conservation and revitalization of older neighborhoods in need. The grant would provide \$25,000 for increased plan implementation services in Council District 6.

This grant does not require a cash match or match in kind from the City, but the grant application must be accompanied by a resolution of support from the City Council. C.O.R.E. is responsible for supplying the matching funds in the amount of \$5,000 for this grant.

The City has recently given C.O.R.E. funds to pay for half of a market study for the revitalization area. While the market study will not be completed until mid-October, preliminary findings are already pointing to the viability of new housing in the area. This implementation grant will help C.O.R.E. to put more detailed plans and costs to the findings of the market study.

Motion --  
-- carried

Knight moved that the Grant Application and receipt of funds be approved; the necessary signatures be authorized; and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 02-420

A Resolution of the City of Wichita, Kansas, approving and supporting the submission of applications for the FY 2003 Metro Community Capacity Building Grants Program of the Kansas Department of Commerce and Housing, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## METER PROGRAM

### METER REPLACEMENT PROGRAM.

Agenda Report No. 02-1840

On April 7, 1998, selection of Metro Meter Services was approved by City Council for the Meter Replacement Program. Since then, the Water & Sewer Department has been in the process of replacing the water meters approaching warranty expiration.

The meter replacement is near completion with \$75,000 required to complete the project. There are remaining meters; however, they will not be replaced until the related service lines are replaced, due to the associated infrastructure.

Meter Replacement Program (CIP W-598) has \$600,000 in the 2002 adopted budget. Staff recommends spending \$75,000 of the \$600,000 budget to complete this part of the project.

Motion -- carried

Knight moved that the expenditure be authorized; and the Resolution be adopted. Motion carried 7 to 0

## RESOLUTION NO. 02-421

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$50,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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## LIFT STATION

### WAWONA LIFT STATION. (District II)

Agenda Report No. 02-1841

KG&E installed electricity to the Wawona sanitary sewer lift station, which is under construction at 1818 North Wawona.

It was less expensive for the City to arrange for this installation directly with KG&E, rather than go through a contractor for the project.

Cost for the installation is \$34,462.50. There are adequate funds in the Northeast Sewer Improvements (CIP S-515) to pay for this expense.

City Council approval is required for expenditures in excess of \$10,000.

Motion -- carried

Knight moved that payment to KG&E for this service be approved. Motion carried 7 to 0

## SANITARY SEWER

### PUBLIC EXIGENCY PROJECT – SANITARY SEWER REPAIRS.

Agenda Report No. 02-1842

A new home has been constructed at 4841 North Pembroke. When the plumber did the digging to connect the sanitary sewer service line to the City's sewer main, he reported that the riser on the main line was bent and/or broken at the base. Staff investigated and confirmed that the riser does need to be replaced. The sewer main is approximately 14.5 ft. deep and the repair will require dewatering, which is beyond the capability of Sewer Maintenance Staff. Putting the repair out to bid is not recommended since the home is to be occupied in three weeks, and the bid process would postpone occupancy. An emergency repair is recommended to complete the repair in a timely manner.

Staff contacted several area contractors and accepted informal bids. Utility Contractors submitted the low bid at \$9,764. The City Manager approved proceeding with the project on September 3, 2002.

The Capital Improvement Program, Reconstruction of Sanitary Sewers (CIP #S-4) has a budget of \$3,500,000 for 2002. The repair will be funded from Sewer Utility Revenues and Reserves and/or a future revenue bond issue.

City Ordinance 2.64.020, "Public Exigency," authorizes the City Manager to approve work to be performed by a contractor without formal bidding.

Motion -- carried

Knight moved that the Public Exigency project approval be affirmed. Motion carried 7 to 0.

## SPECIALS

### PROPOSED ASSESSMENT ROLLS.

Proposed Assessment Rolls have been prepared for twenty-one (21) water, twenty-three (23) sewer, and seven (7) storm water sewer projects. It is necessary to set a public hearing date. Informal hearing with City personnel will be held October 7, 2002.

Motion --  
-- carried

Knight moved that the hearing date be set for 9:30 a.m., Tuesday, October 15, 2002. Motion carried 7 to 0.

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**PROPERTY ACQ.      ACQUISITION OF SEWER EASEMENT – SOUTH OF 13TH STREET NORTH, WEST OF 119<sup>TH</sup> STREET. (District V)**

Agenda Report No. 02-1843

The City Council has approved the construction of force mains, pump stations, and gravity-flow sewer lines to serve northwest Wichita. Part of the planned development calls for the construction of construction of mains to provide service to the Hickory Creek and Whistling Walk subdivisions. One of the lines will be on property owned by Jim and Renee Selenke. The project is located south of 13th Street North and west of 119<sup>th</sup> Street.

The permanent line easement contains approximately 12,721 square feet. The owner has agreed to grant the City the easement for \$5,100.

A budget of \$5,100 is requested for the acquisition.

Motion --                      Knight moved that the budget and Utility Easement be approved; and the necessary signatures be  
-- carried                      authorized. Motion carried 7 to 0.

**PROPERTY ACQ.      ACQUISITION OF 2402 SOUTH MEAD: PAWNEE RAIL SEPARATION PROJECT (District III)**

Agenda Report No. 02-1844

The Pawnee Rail Separation Project will require the full or partial acquisition of several tracts. One of the properties required is 2402 South Mead, owned by Dave W. Allen. The site contains 8,250 square feet and is improved with a 988 square foot frame single-family residence. The property has three bedrooms and one bath.

The owner has agreed to sell for a negotiated amount of \$56,000. The property is presently leased. The tenant will be relocated and the site will be processed for demolition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be funds provided by Union Pacific Railroad. A budget of \$62,000 is requested. This includes \$56,000 for the acquisition, \$5,500 for demolition, and \$500 for closing costs and title insurance.

Motion --                      Knight moved that the budget and the Contract be approved; and the necessary signatures be  
-- carried                      authorized. Motion carried 7 to 0.

**PROPERTY DISP.      SALE OF SURPLUS PROPERTY - WEST OF 441 SOUTH GLENDALE. (District II)**

Agenda Report No. 02-1845

An offer of \$100 has been received from Glen Fondaw for the City-owned remnant located west of 441 South Glendale. The tract was acquired for the Kellogg/Oliver Interchange project. After construction of the screen wall, a remnant containing approximately 800 square feet remained between the wall and property line of 441 South Glendale. The site is zoned residential and is irregularly shaped. The buyer owns the adjacent property and wishes to add the parcel to his back yard.

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The parcel is an extension of a larger City owned tract to the north. Due to its narrow width with fences on all sides, it accumulates considerable trash and is a maintenance problem. Its configuration also causes some safety concerns. The buyer will fence the parcel along the north line of the parcel, squaring off the remaining City owned tract and eliminating a maintenance and security problem.

The City will receive cash consideration from the sale of the property at closing and will be relieved of the expense of maintenance. Upon sale, this property will return to the tax rolls.

Motion --  
-- carried

Knight moved that the sale and Contracts be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

(Addendum 29A)  
**PROPERTY EXC.**

## **EXCHANGE OF LAND IN LIEN OF PAYMENT OF AWARD IN LINWOOD PARK CONDEMNATION CASE.**

Agenda Report No. 02-1856

Several months ago U.S.D. #259 filed a condemnation action (Unified School District No. 259 vs. City of Wichita, Kansas, Charles S. Aldrich et al, Case No. 02 C 1014) to obtain land in Linwood Park to relocate Linwood Elementary School. The school district proposes exchanging land in lieu of receiving a monetary award for the 4.8 acres of condemned park property.

The award to the city from the three court appointed appraisers for the taking of public property is two hundred seventy-one thousand dollars (\$271,000.00). In lieu of the cash award it is proposed that the city accept the conveyance in fee title to the Wildwood Park site consisting of approximately 9.9 acres, the existing Linwood School site consisting of approximately 2.17 acres and the old Greiffenstein School site consisting of approximately 6.43 acres. The Wildwood site is currently used for park purposes under a lease with the district. The other two sites will be converted to park use. The district also agrees, at its sole cost and expense, to demolish and remove the existing Linwood School building from its site with the exception of a multipurpose room addition. Improvements which include modifying the existing mechanical system to provide heating and air conditioning will be made also at the expense of the district. The Park and Recreation Board has recommended the exchange.

The financial considerations primarily involve turning down a cash award for the condemned land and accepting approximately three times the land volume in exchange to be used for park purposes.

It is not known if the school district can convey the property in fee as there may be some restrictions on ownership because of prior condemnation of these school properties and because of possible restrictive covenants. If conveyance in fee simple cannot be accomplished the district will sign long term leases with the city for use of the property for park purposes.

Motion -- carried

Knight moved that the exchange of property in lieu of cash award be accepted. Motion carried 7 to 0.

## **ORDINANCES**

### **SECOND READING ORDINANCES: (FIRST READ SEPTEMBER 10, 2002)**

a) Right-of-Way acquisition for floodway crossing from I-235 to West Street.  
(Districts V and VI)

#### **ORDINANCE NO. 45-385**

An Ordinance declaring 25th Street North from I-235 to West Street to be a main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotta, Knight.

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- b) ZON2002-00042 –southeast corner of Douglas and Ida. (District I)

## ORDINANCE NO. 45-386

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2002-00042

- c) ZON2002-00043 –south of 37th Street North, approximately one-half mile East of Ridge Road (District V)

## ORDINANCE NO. 45-387

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2002-00043

- d) ZON2002-00046 –north Side of 21st Street North, approximately 1,100 feet west of Maize Road. (District V)

## ORDINANCE NO. 45-388

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2002-00046

- e) A02-14 – southeast and southwest corners of 13th Street North and 135th Street West. (District V)

## ORDINANCE NO. 45-389

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A02-14

## PLANNING AGENDA

Mike Lindebak

Director of Planning stated that the Planning Agenda could be considered as consensus, except Item 32, and that Item 33 could be deferred for up to a month, unless the Council desired to withhold other Items.

Motion --  
-- carried

Knight moved that the Planning Agenda, except Item 32, be approved as consensus Items and that Item 33 be deferred for one month. Motion carried 7 to 0.

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SUB2002-00042

**SUB2002-00042 – PLAT OF ST. PETER THE APOSTLE CHURCH SECOND ADDITION – WEST OF MAIZE ROAD, NORTH OF K-42 HIGHWAY.**

Agenda Report No. 02-1846

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-0)

This plat is zoned SF-20, Single-Family Residential and is located in the County within three miles of Wichita's City limits.

The site has been approved by Kansas Department of Health and Environment for the use of an on-site sanitary sewer facility. Petitions, all 100%, have been submitted for future sanitary sewer and water improvements. A Certificate of Petition was also provided. The site is within the noise impact area of Mid-Continent Airport and an Avigational Easement and Restrictive Covenant were required. A Cross-Lot Access Agreement was provided to allow access across the property to the south.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Avigational Easement, Certificate of Petition, Cross-Lot Access Agreement and Restrictive Covenant will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

**RESOLUTION NO. 02-422**

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89722, (west of Maize, north of K-42 Highway), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

**RESOLUTION NO. 02-423**

Resolution of findings of advisability and Resolution authorizing improving of Lateral 31, Cowskin Interceptor Sewer, (west of Maize, north of K-42 Highway) 468-83499, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

(Agenda Item #32)  
**CON2001-00069**

**CON2001-00069 – CONDITIONAL USE TO ALLOW PORTABLE ROCK CRUSHER IN A GENERAL INDUSTRIAL ZONING DISTRICT – WEST SIDE OF OHIO STREET AND ¼ MILE NORTH OF 29TH STREET NORTH.** (District VI)

Mike Lindebak

Director of Planning reviewed the Item.

Agenda Report No. 02-1847

MAPC Recommendation: Approve, subject to conditions as recommended by Staff and DAB VI (9-1).

Staff Recommendation: Approve, subject to conditions.

DAB Recommendation: Approve, subject to Staff conditions and two additional conditions (8-1).

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A Conditional Use is being sought to allow a rock crusher on property zoned "GI" General Industrial. The site is located approximately ½ mile north of 29th Street North on the west side of Ohio. The application area is approximately 4.80 acres in size, and is platted as Lot 3, Burlington Northern Industrial Center Addition. The applicant also owns the 11.4 acres located immediately south of the application area (Lot 2, Burlington Northern Industrial Center Addition). These two lots are separated by a drainage easement. The applicant is one of the contractors reconstructing I-135 and the I-135 - 21st Street North interchange. The highway project will generate significant amounts of material to be crushed. The application area is conveniently located within two miles of the job site. Also, the applicant intends to locate a concrete plant on Lot 2. Lot 2 is already zoned "GI" and permits the concrete plant as a "use by right." A rock crusher located on Lot 3 would be an additional convenience in operating the concrete plant. Material ran through the crusher can be used by the concrete plant. The applicant has indicated that the concrete plant will be located on Lot 2 regardless of the outcome of the Conditional Use request for the rock crusher.

As indicated on the site plan, two access points off of Ohio are proposed (and have been installed) for the lot on which the rock crusher is to be located. Currently there are aggregate piles located on the site. The site plan depicts landscaping and berms to be located along the east and north property line. The rock crusher would be located in the east-center portion of the site as there is a pipeline easement and a drainage easement located in the western half of the site. The applicant indicates that the rock crusher will be needed through early summer 2003. The applicant currently has the rock crusher located within KDOT right-of-way during the first year (spring 2002 – spring 2003) of the highway project. During the second year (2003) of the project, the rock crusher would be moved to the application area, and run for 20 non-consecutive days out of that year, generally late spring through early summer. Hours of operation for the crusher are generally 7:00 A.M. to 5:00 P.M. Monday through Friday. The site plan shows berms and landscaping on the concrete plant site connecting to the crusher site and a 6-foot chain link fence, with 3 strains of barbed wire around the crusher site and concrete plant.

The area immediately around the site is zoned "GI" and not developed, except for two exceptions. The first exception is the applicant's abutting property located on the south. This property is currently being developed with a wet batch concrete plant. The second exception is the property located immediately to the north. This is being developed as an adult soccer field by the City Park Department. The Park Department plans to have the soccer field in use by the spring of 2003. Beyond the site's immediate area the zoning is "GI" and developed as manufacturing, warehousing, grain elevators and shipping and receiving facilities. The newest development in the surrounding area is located west of the site, across the railroad tracks: the York manufacturing facility, with plans for another expansion in the near future.

The Park Department received calls from groups that will be using the adult soccer fields expressing opposition to the proposed rock crusher being located next to their playing fields. Concerns identified to date include: noise, dust, truck traffic and extended hours of operation. The applicant has had discussions with the Park Department on these issues. The soccer field should be ready for use in the spring of 2003. The season will be from Easter to Thanksgiving. Use of the soccer fields during the season will be, games every Sunday from 9AM – 7PM and practice Monday & Tuesday, 6PM to dusk. The applicant has indicated that the days of operation could be modified to operate when the soccer field is not in use for practice or games. There appears to be no conflict between the use of the soccer fields in 2003 and the 20-day conditional use for the crusher. The Planning Staff has met with the Environmental Health and Code Enforcement Staff who have indicated that concrete plant will create more emissions than the rock crusher, in consideration of the year round operation of the plant versus the 20 day operation period of the crusher.

Besides these meetings the Planning Staff, the applicant, Land Management, the Parks Department and the District Council member have had discussions of possible alternate sites for the soccer field that might be acquired and exchanged, between Parks and the applicant. The exchange would have allowed the applicant to acquire the soccer field site for future expansion and the Park Department the opportunity to move the soccer field to a more favorable location. There were also meetings with the representatives of the people that would be using the soccer field on May 29th and June 18th. These meetings were made to keep the representatives of the players apprised of the issues and the efforts being made to address them by City Staff and the applicant, in regards to the crusher and the soccer

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field being probable neighboring uses. These meetings occurred over a 4 ½ month period prior to the consideration and recommendation of CON2002-00069 by the MAPC.

DAB VI recommended the Conditional Use, 8-1, at their May 6 meeting per Staff's conditions and added 2 conditions; to having the landscaping and berms in place within 60 days of approval of the Conditional Use and specifying that the 20 days of operation for the rock crusher are not consecutive days. The Board of Park Commissioners recommended the Conditional Use, 7-0, at their May 13 meeting, per Staff's conditions and the conditions recommended by DAB VI. These modifications were incorporated into the conditions that the MAPC considered. At their June 20 meeting, the MAPC voted approval, 9-1, of the Conditional Use subject to Staff's conditions and the 2 DAB conditions.

A written protest to CON2002-00069 was received by the City Clerk's Office on July 2, 2002, within 14 days after the MAPC meeting. The protest was registered by the Hispanic/Native American coalition, as an interested party, alleging that the MAPC's decision was fair and unbiased. The letter of protest has been included with the Council's packet. The applicant has been advised of the protest and notified that CON2002-00069 would be going to the Wichita City Council for consideration and as such to not submit a revised site plan or apply for development on the site.

These are the conditions to the recommendation of approval for CON2002-00069:

1. Submit a revised site plan to be approved by the Planning Director. The plan will show circulation and parking between the concrete plant site and the rock crusher and location of aggregate piles and all other improvements to the site. As shown on the site plan a 6-foot chain link fence with 3 strains of barbed wire will be around the crusher site.
2. All internal circulation and ingress – egress to be watered during hours of operation or treated with a product to minimize blowing dust and/or surfaced with an approved all weather surfaces.
3. Submit a revised Landscape Plan to be approved by the Planning Director. A berm, 20-ft wide and 10-ft high to be placed along the north property line of the site. The berm, will be planted in grass and Conifer trees, a minimum of 5-ft in height and planted every 15-ft. on top of the berm. A 6-ft high berm, 10-ft wide will be placed along the east and west property lines and planted with grass and Conifer trees, a minimum of 5-ft in height and planted every 15-ft. on top of the berm. Berms will not be in any easements. Landscaping shall be completely installed prior to operation of the crusher and shall be developed according to the approved Land Landscape Plan. All landscaping will be maintained as required in the Landscape Ordinance.
4. A drainage plan must be submitted and approved by the City Engineer.
5. All aggregate piles will be no higher than 20-ft and watered as necessary to minimize blowing dust. Capacity of dust and emissions of dust from the rock crusher, the aggregate piles or any facility cannot exceed opacity as determined by the Wichita Environmental Health – Air Quality Staff and the Kansas Air Pollution Control Regulations.
6. Any stockpiling of fuels or chemicals on this site must be approved by the Health Department.
7. The applicant shall meet all permitting, reporting and operating requirements as necessary per the local, state and federal levels prior to any crushing activities on this site.
8. The level of noise generated by the rock crusher shall not exceed community standards as specified by City Ordinance and determined by the Wichita Environmental Health Department.
9. The operation of the crusher is limited to 20 days beginning in the late spring early summer of 2003. The applicant shall notify the Permits and Planning Staff when that 20-day period begins. Hours of operation will be 7 AM – 5 PM Monday - Friday. No operation of the crusher is permitted during weekends or State or Federal Holidays.



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10. Any violation of the conditions of approval will allow the Conditional Use to be declared null and void.

Motion --

Fearey moved that Council concur with the findings of the MAPC and approve the Conditional Use to permit a portable rock crusher, subject to the recommended conditions with the following additions: Condition #1 to include: "The fence will be around all four sides of the crusher site. Gates will be installed at the two northern access drives of the crusher site and will be closed and locked when the crusher is not in operation." Condition #3 to include: "Landscaping will include an irrigation system;" and the Resolution be adopted. Motion carried 7 to 0.

-- carried

## RESOLUTION NO. 02-424

A Resolution authorizing a Conditional Use to allow a portable rock crusher on approximately 4.80 acres zoned "GI" General Industrial, generally located northwest of the 29<sup>th</sup> Street North Ohio Street intersection City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-975, as amended, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

(Agenda Item #33)  
**CON2002-00038**

**CON2002-00038 – CONDITIONAL USE FOR A WIRELESS COMMUNICATION FACILITY ON PROPERTY ZONED LIMITED COMMERCIAL – SOUTH OF KELLOGG, EAST OF WOODLAWN – 6603 EAST KELLOGG.** (District II)

Motion -- carried

Knight moved that this Item be deferred for one month.

**ZON2002-00048**

**ZON2002-00048 – ZONE CHANGE FROM LIMITED COMMERCIAL TO LIMITED INDUSTRIAL – SOUTHWEST CORNER OF 37TH STREET NORTH AND HILLSIDE.** (District I)

Agenda Report No. 02-1849

MAPC Recommendation: Approve, subject staff recommendation. (11-0-1)  
Staff Recommendation: Approve, subject to platting within one year.

The applicant requests a zone change from "LC" Limited Commercial to "LI" Limited Industrial on a 8.7 acre unplatted tract located at the southwest corner of 37th Street North and Hillside. The applicant owns a total of 10 acres at this location, including 1.3 acres in an "L-shaped" configuration along the western and southern boundaries of the property that is already zoned "LI" Limited Industrial. The subject property is undeveloped. A portion of the subject property will be used as an office and warehouse for the applicant's construction business. The uses for the remainder of the property have not been determined.

The surrounding area is characterized primarily by commercial, industrial, and agricultural uses. The overwhelming majority of the property in the area is zoned "LI" Limited Industrial, with approximately 10 acres (excluding the subject property) near the corner of 37th Street North and Hillside zoned "LC" Limited Commercial. The nearest developed properties are the KWCH Channel 12 television studio to the west, Stroud's restaurant to the south, and a storage warehouse for Koch Industries to the east.

At the MAPC hearing on August 22, 2002, a representative for Stroud's restaurant spoke and requested that screening in the form of a wall or evergreen landscaping be provided between the subject property and the restaurant. The representative from Stroud's indicated that the restaurant would be willing to share the cost of the screening. The applicant indicated that they would work with Stroud's to come to an agreement for screening between the two properties; however, no screening is required by the Unified Zoning Code. The MAPC voted (11-0-1) to recommend approval of the request subject to platting the property within one year.

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Motion -- Knight moved that the Council concur with the findings of the MAPC and approve the zone change, subject to the condition of platting within one year; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

**ZON2002-00049**      **ZON2002-00049 (ASSOCIATED WITH ZON2002-00050) – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL, NEIGHBORHOOD RETAIL, MULTI-FAMILY, AND TWO-FAMILY RESIDENTIAL – NORTHWEST CORNER OF 13TH STREET NORTH AND K-96.** (District II)

Agenda Report No. 02-1850

MAPC Recommendation: Approve, subject staff recommendation. (12-0)

Staff Recommendation: Approve, subject to replatting within one year.

The applicant requests a zone change from “SF-5” Single Family to “LC” Limited Commercial, “NR” Neighborhood Retail, “MF-18” Multi-Family, and “TF-3” Two-Family on 18.2 acres of platted property located at the northwest corner of 13th Street North and K-96. The applicant owns a total of 43.2 acres at this location, with the remainder of the property to remain zoned “SF-5” Single-Family and to be developed with a church and a detention pond. The applicant proposes to develop the areas to be rezoned with a retail center, a broadcast studio, multi-family housing, and duplexes.

The surrounding area is characterized primarily by developing commercial uses with much of land still undeveloped. The property to the south across 13th Street North is zoned “LC” Limited Commercial and is developed with a movie theater. The property to the east across K-96 is zoned “SF-5” Single-Family and is developed as a cemetery. The property to the north is zoned “SF-20” Single-Family and is undeveloped. The property to the west is zoned “SF-20” Single-Family and “LC” Limited Commercial and is undeveloped.

At the MAPC hearing on August 22, 2002, there were no speakers, other than the applicant, either in favor of or in opposition to the request. The MAPC voted (12-0) to recommend approval of the zone change subject to replatting the property within one year, except that the narrow strips of Reserve A between Lots 11 & 12 and Lots 1 & 15, Block 3 be rezoned to “TF-3” instead of “MF-18”.

Motion -- Knight moved that the zone change, subject to the condition of platting within one year, be approved; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

**A02-15**      **A02-15 – ANNEX LAND EAST OF 127TH STREET EAST, SOUTH OF 21ST STREET NORTH.** (District II)

Agenda Report No. 02-1851

The City has received a request to annex approximately 136 acres situated south of 21st Street North and east of 127th Street East. The site abuts the City of Wichita to the south and west. The property owner plans to develop the site with 140 single-family homes and a 248-unit apartment complex. The property owner anticipates the property to be fully developed within four (4) years.

Land Use and Zoning: The annexation area is presently vacant and zoned “SF-20” Single Family Residential. Land north and east of the site is predominantly agricultural and zoned “SF-20” Single Family Residential with “LC” Limited commercial zoning at the northeast corner of 21st Street North and 127th Street East. Currently under development, land east and south of the site is zoned “SF-5” Single Family and is mixed with residential and vacant lots. The “SF-20” Single Family zoning of the subject property will convert to “SF-5” Single Family upon annexation, and the property owner will be required to request a zone change to accommodate the multi-family development.

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Public Services: The Water & Sewer Department has temporarily agreed to allow the proposed development to tie into and extend sewer services from Rocky Creek Addition to the south on a limited bases. The development will eventually tie into the Four-Mile Creek sewer improvements. Water services will be extended from the existing 30" water line along 21st Street.

Street System: The property proposed for annexation has access to 21st Street North (two-lane arterial), which serves the area as the nearest east-west road, and 127th Street East (two-lane arterial), which serves the area as the nearest north-south road. Due to increased traffic volumes and the need for higher level of service, the Sedgwick County 2002-2006 C.I.P. indicates plans for widen 21st North from K-96 Bypass to 159th Street East. There are no plans for improvements of 127th Street East in either the 2002-2011 City of Wichita C.I.P or in the Sedgwick County 2002-2006 C.I.P.

Public Safety: Fire services to this site can be provided within a six (6) to eight (8) minute approximate response time from City Station #18 located at 2808 North Webb Road or from County Station #38 located at 1010 North 143rd Street East. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

Parks: Northeast Sports Complex, a 40-acre park, is located approximately 1.5 miles northwest of the proposed annexation site, and the K-96 bike path is located approximately ½ mile west of the site.

School District: The property is located in Unified School District 385 (Andover School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Comprehensive Plan.

The current approximate appraised value of the proposed annexation area is \$12,410. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$117 in City annual tax revenues for the property. The future assessed value of this property will depend on the timing of development and the current mill levy. However, the property owner projects an overall appraised value of \$44,000,000 when development is completed, resulting in an assessed value of \$5,060,000. Assuming the current City levy remains about the same, this would roughly yield \$158,914 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --  
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A02-15

**A02-16**

**A02-16 – ANNEX LAND SOUTH OF MAPLE STREET, EAST OF 151ST STREET WEST.**  
(District V)

Agenda Report No. 02-1852

The City has received a request to annex approximately 82 acres situated south of Maple Street and east of 151st Street West. The site abuts the City of Wichita to the east, west and south. The property is currently in agricultural production and contains a single-family residence.

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**Land Use and Zoning:** The annexation area is presently in residential and agricultural use and zoned "SF-20" Single Family Residential. Land surrounding the proposed annexation site is predominantly agricultural and residential. Land to the north is zoned "SF-20" Single Family Residential with the remainder of the surrounding land zoned as "SF-5" Single Family Residential. The "SF-20" Single Family Residential zoning of the subject property will convert to "SF-5" Single Family upon annexation.

**Public Services:** The Water & Sewer department indicates that the property owner has petitioned for water and sewer services and will likely tie into existing lines located along Maple.

**Street System:** The property proposed for annexation has access to Maple Street (two-lane arterial), which serves the area as the nearest east-west road. Currently there are no plans to improve Maple Street in either the Sedgwick County 2002-2006 C.I.P. or the City of Wichita 2002-2011 C.I.P.

**Public Safety:** Fire services are currently provided within a seven (7) to eight (8) minute approximate response time from City Station #17 located at 10651 West Maple. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

**Parks:** Meadows Park, a 51.38-acre park, and West Millbrook Park, a 25.6-acre park, are located approximately two miles east of the proposed annexation site. A bike pathway is proposed along Maple Street in the 1996 Parks and Open Space Plan.

**School District:** The property is located in Unified School District 265 (Goddard School District). Annexation will not change the school district.

**Comprehensive Plan:** The proposed annexation is consistent with current amendments to the Comprehensive Plan.

The current appraised value of the proposed annexation area is \$283,000 for agricultural land with residential improvements. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$2,295 in City annual tax revenues for the property.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --  
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A02-16

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## EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation and legal advice; and preliminary discussions relating to the acquisition of real property for public purposes; and that the Council return from executive session no earlier than 11:30 a.m. Motion carried 7 to 0.

-- carried

RECESS The City Council recessed at 10:38 a.m., moved into executive session at 11:00 am. and returned to regular session at 11:40 a.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 11:40 a.m.

Patsy Ellis  
Deputy City Clerk